



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

November 13, 2015

System No. 4600017

Certified Mail/Return Receipt
No. 7012 3460 0003 1113 1403

Larry Ostrom, Manager
R.R. Lewis Small Water Company
4500 E. Fremont Street
Stockton, CA 95215

TRANSMITTAL OF CITATION NO. 01-02-15C-012

Dear Mr. Ostrom,

The State Water Resources Control Board (Water Board), Division of Drinking Water, has issued the R.R. Lewis Small Water Company a citation, which is attached.

If you have any questions regarding this matter, please call staff engineer Steve Watson at (530) 224-4828 or me at (530) 224-4800.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. McNamara".

Michael J. McNamara, P.E.
Lassen District Engineer
Drinking Water Field Operations Branch

cc: Bruce Burton, Assistant Deputy Director
Northern California Drinking Water Field Operations
Richard L. Hinrichs, Chief, Northern California Section
Rami Kahlon, California Public Utilities Commission

Enclosure: Citation No. 01-02-15C-012

sww \ 4600017 RR Lewis \ File: Enforcement

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: R.R. Lewis Small Water Company
4500 E. Fremont Street
Stockton, CA 95215

Attn: Larry Ostrom, Manager

**CITATION FOR VIOLATION OF
DIRECTIVE NO. 4 IN AMENDMENT NO. 1 TO CITATION NO. 01-02-14C-006
WATER SYSTEM NO. 4600017
CITATION NO. 01-02-15C-012
Issued on November 13, 2015**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the R.R. Lewis Small

Water Company (hereinafter, Company) (4500 E. Fremont Street, Stockton, CA 95215) for violation of Directive No. 4 in Amendment No. 1 to Citation No. 01-02-14C-006.

APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.



1 **Directive No. 4 of the Amendment No. 1 to Citation 01-02-14C-006 in relevant part**
2 **provided:**

3 4. All bacteriological samples must be collected in accordance with the
4 Bacteriological Sample Siting Plan once it has been approved by the Division.

5
6 **STATEMENT OF FACTS**
7

8 The Company operates a community water system which serves a population of
9 approximately 225 people through 119 service connections. The water system includes
10 two gravity springs, known as Anderson Spring and Wixson Spring, six distribution
11 reservoirs, four pressure zones, and a sodium hypochlorite disinfection system for the
12 water produced from Anderson Spring. The Company operates under a Water Supply
13 Permit No. 01-02-93(P)46023, issued on December 31, 1993.

14
15 Directive No. 4 of Amendment No. 1 to Citation No. 01-02-14C-006, issued to the
16 Company on January 29, 2015, required that by no later than February 28, 2015, the
17 Company submit to the Division a Bacteriological Sample Siting Plan (hereinafter
18 "Plan") in accordance with Section 64422, Title 22, of the CCR. This requirement was
19 to be met by accurately completing and submitting the Plan form in accordance with the
20 instructions contained within.

21
22 After the Company failed to meet the February 28, 2015, deadline for submittal of an
23 acceptable Plan, on March 18, 2015, the Division issued Citation No. 01-02-15C-003,
24 which assessed a \$1,000.00 administrative penalty and directed the Company to
25 comply with Directive No. 4 of Amendment No. 1 to Citation No. 01-02-14C-006.
26



1 On March 23, 2015, the Division received a Plan from the Company. By way of letter,
2 on March 27, 2015, the Division notified the Company that the submittal was incomplete
3 and that the Company remained in violation of Directive No. 4 of Amendment No. 1 to
4 Citation No. 01-02-14C-006. Furthermore, through said letter the Division: 1) informed
5 the Company of the specific deficient items in the Plan, 2) provided instructions with
6 regards to completing an acceptable plan, and, 3) suggested meeting in person to
7 further aid the Company in the preparation of an acceptable plan. Said letter also
8 informed the Company that if an acceptable plan was not received by close of business
9 on April 30, 2015, the Division would resume enforcement actions on the Company
10 regarding this matter.

11
12 On April 23, 2015, the Division met with the Company at the Division's Redding Field
13 Office to assist the Company in the preparation of an acceptable plan. During that
14 meeting, the Division presented the regulatory requirements of a bacteriological sample
15 siting plan and an acceptable example plan for the Company's water system. During
16 that meeting the Company appeared to be willing to comply with the regulatory
17 requirements and to follow our instructions on submitting an acceptable plan.

18
19 On April 29, 2015, the Company submitted a revised Plan via email. The Division
20 reviewed this plan and found it did not meet the requirements of the regulations, and
21 was not consistent with the acceptable example plan the Division presented during the
22 April 23, 2015, meeting. On April 29, 2015, the Division notified the Company via email
23 that the Plan was not acceptable, outlined the areas which were deficient, and gave
24 recommendations on how to make the Plan acceptable.

25
26 On April 30, 2015, the Company submitted via fax a revised Plan. The Division
27 reviewed the Plan and found it did not meet the requirements of the regulations, and did



1 not follow the Division's instructions in previous correspondence and the April 23, 2015,
2 meeting. On April 30, 2015, the Division notified the Company via email that the Plan
3 was not acceptable, outlined the areas which were deficient, and gave
4 recommendations on how to make the Plan acceptable.

5
6 On May 8, 2015, the Division issued Citation No. 01-02-15C-009, which assessed upon
7 the Company a \$2,000 penalty for failure to comply with Directive No. 1 of Citation
8 No. 01-02-15C-003. However, the Citation specified that the requirement to pay the
9 penalty would be terminated provided that by May 29, 2015, the Company submitted an
10 acceptable Plan to the Division.

11
12 On May 28, 2015, the Division received a Plan submittal from the Company. By way of
13 email on May 29, 2015, the Division notified the Company that the Plan was inadequate
14 and recommended changes that would allow the Division to approve the Plan. These
15 changes included removing sample site TC6 as a routine site, since the use of this site
16 does not adequately represent the water in the distribution system under all operating
17 conditions, and using sample site TC12 instead.

18
19 On June 5, 2015, the Division received a paper copy by mail of the Plan dated
20 June 1, 2015, from the Company. The Plan identified two routine sample sites to be
21 sampled each month: TC3 and TC12. This is the plan that had been presented to the
22 Company as a plan which could be approved by the Division, via the May 29, 2015,
23 email communication. Although the Plan had been submitted seven days late, by way
24 of certified letter dated June 9, 2015, the Division approved the Plan and rescinded the
25 \$2,000 administrative penalty issued under Citation No. 01-02-15C-009.

26

1 The Division has received laboratory reports that show one routine sample was
2 collected during August 2015, from sample site 3A (same as sample site TC3 on the
3 approved Plan). The laboratory report also shows that samples were collected during
4 August 2015 from the following raw water sample locations: 1A, 8W, and 9W. However,
5 these samples were incorrectly identified as "routine" samples on the laboratory report.
6 The chain of custody documentation for the samples shows that these raw water
7 samples were incorrectly identified by the Company's operator as "routine" samples
8 under "Title 22 Designation." No sample results were received by the Division for
9 sample site TC12 during August 2015, as required by the Plan.

10
11 The Division has received laboratory reports that show one routine sample was
12 collected during September 2015, from sample site 3A. The laboratory report also
13 shows that samples were collected during September 2015 from the following raw water
14 sample locations: 1A, 8W, and 9W. No sample results were received by the Division for
15 sample site TC12 during September 2015, as required by the Plan.

16
17 The Division has received laboratory reports that show one routine sample was
18 collected during October 2015, from sample site 3A. The laboratory report also shows
19 that samples were collected during October 2015 from the following raw water sample
20 locations: 1A, 8W, and 9W. No sample results were received by the Division for sample
21 site TC12 during October 2015, as required by the Plan.

22 23 DETERMINATIONS

24
25 The Division has determined that the Company was in violation of Directive No. 4 of
26 Amendment No. 1 to Citation 01-02-14C-006 during August 2015, September 2015, and
27 October 2015. The Company's approved Plan dated June 1, 2015, identifies two

1 routine sample locations to be sampled each month, TC3 and TC12. For the months of
2 August 2015, September 2015, and October 2015, no laboratory reports were received
3 for sample site TC12.

4
5 The Division has determined that the Company was in violation of Directive No. 4 of
6 Amendment No. 1 to Citation 01-02-14C-006 during August 2015, September 2015, and
7 October 2015, in that the routine sample for TC3 was incorrectly identified as 3A.

8
9 **ADMINISTRATIVE PENALTY**

10
11 Sections 116650(d) and 116650(e) of the California Health and Safety Code allow for
12 the assessment of a penalty for failure to comply with requirements of the California
13 SDWA. For failure to comply with Directive No. 4 of Amendment No. 1 to Citation No.
14 01-02-14C-006 the Division hereby assesses R.R. Lewis Small Water Company a
15 penalty in the amount of \$750.00. Directions for paying this penalty are included in
16 Directive No. 2 of this Citation. Continued failure to comply with Directive No. 4 of
17 Amendment No. 1 to Citation 01-02-14C-006 may result in additional enforcement
18 actions against the Company by the Board which may also include penalties.

19
20 **DIRECTIVES**

21
22 The Company is hereby directed to take the following actions:

- 23
24 1. Comply with Directive No. 4 of Amendment No. 1 to Citation 01-02-14C-006
25 during all future monthly monitoring periods.
26

1 2. Submit to the Division by **December 10, 2015**, a check for the penalty of \$750.00
2 imposed by this Citation. The citation number shall be written on the check. The
3 check shall be made payable to the **California Division of Drinking Water –**
4 **Safe Drinking Water Account** and mailed to the Board along with
5 Attachment 'A' entitled "Notice of Citation Issuance."

6
7 3. Complete and return Attachment 'B' entitled "Compliance Certification" by
8 **December 20, 2015.**

9
10 All documents required under Directive 3 of this Citation shall be submitted to the Board
11 at the following address:

12
13 Michael J. McNamara, P. E.
14 Lassen District Engineer
15 Division of Drinking Water
16 State Water Resources Control Board
17 364 Knollcrest Drive, Suite 101
18 Redding, CA 96002

19
20 Payment of the administrative penalty required under Directive 2 of this Citation shall be
21 submitted to the Board at the address given in Attachment 'A.'

22
23 As used in this Citation, the date of issuance shall be the date of this Citation; and the
24 date of service shall be the date of service of this Citation, personal or by certified mail,
25 on the Water System.

1 Nothing in this Citation relieves the Company of its obligation to meet the requirements
2 of the California SDWA or any regulation, permit, standard or order issued or adopted
3 thereunder. The Division reserves the right to make such modifications to this Citation,
4 as it may deem necessary to protect public health and safety. Such modifications may
5 be issued as amendments to this Citation and shall be effective upon issuance.

6
7 **FURTHER ENFORCEMENT ACTION**
8

9 The California SDWA authorizes the Board to: issue a citation with assessment of
10 administrative penalties to a public water system for violation or continued violation of
11 the requirements of the California SDWA or any regulation, permit, standard, citation, or
12 order issued or adopted thereunder including, but not limited to, failure to correct a
13 violation identified in a citation or compliance order. The California SDWA also
14 authorizes the Board to take action to suspend or revoke a permit that has been issued
15 to a public water system if the system has violated applicable law or regulations or has
16 failed to comply with an order of the Board; and to petition the superior court to take
17 various enforcement measures against a public water system that has failed to comply
18 with or violates an order of the Board. The Board does not waive any further
19 enforcement action by issuance of this citation.

20
21 **PARTIES BOUND**
22

23 This Citation shall apply to and be binding upon the Company, its officers, directors,
24 shareholders, agents, employees, contractors, successors, and assignees.
25
26
27

SEVERABILITY

The Directives of this Citation are severable, and the Company shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

11/13/2015

Date

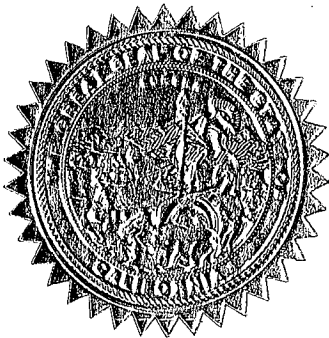
Richard L. Hinrichs

Richard L. Hinrichs, P.E., Chief

Northern California Section

Division of Drinking Water

State Water Resources Control Board



Attachments:

'A' Notice of Citation Issuance

'B' Compliance Certification

CERTIFIED MAIL 7012 3460 0003 1113 1403

**STATE OF CALIFORNIA
Division of Drinking Water
State Water Resources Control Board**

Notice of Citation Issuance

System Name: R.R. Lewis Small Water Company

System Number: 4600017

Background Statement

During the month of November 2015, the Division of Drinking Water issued Citation Number 01-02-15C-012 to the R.R. Lewis Small Water Company. The citation carried an administrative penalty in the amount of \$750.00

Method of Payment

A check for the total amount of the administrative penalty and a copy of this form shall be submitted to the Division by **December 10, 2015**. The citation number shall be written on the check. The check shall be made payable to the California Division of Drinking Water Safe Drinking Water Account and submitted to:

SWRCB Accounting Office
Attn: Drinking Water Program
PO Box 1888
Sacramento, CA 95812-1888

Please attach check below:

COMPLIANCE CERTIFICATION

Citation Number: **01-02-15C-012**

Name of Water System: **R.R. Lewis Small Water Company**

System Number: **4600017**

As required by Section 116450 of the California Health and Safety Code, I certify that the R.R. Lewis Small Water Company complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Payment of \$750.00 Administrative Penalty to the Division of Drinking Water in Sacramento, as required by Directive 2 _____	
_____ Signature of Water System Representative	_____ Date

Attach a copy of the check for payment of the administrative penalty.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN December 20, 2015.
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Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.